

REMARKS

No claims have been amended, added or cancelled with this reply. Claims 3-10, 12-15 and 32-39 are currently pending.

A. Objection to the Specification

The Examiner has objected to the abstract of the disclosure because the acronyms listed in the abstract do not have the proper terms that are related to them. An amended abstract section had been provided to address this objection.

B. Double Patenting Rejection

The Examiner has rejected claims 3-10, 12-15, 32-36 and 37-39 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-9, 11-13, 22 and 25-27 of U.S. Patent No. 6,646,997. A terminal disclaimer in compliance with 37 CFR 1.321(c) is filed with this Reply.

C. Prior Art Rejections

In responding to the Examiner's prior art rejections, Assignee here only justifies the patentability of the independent claims (*i.e.*, claims 6, 7 and 35). As the Examiner will appreciate, should these independent claims be patentable over the prior art, dependent claims would also necessarily be patentable. Accordingly, Assignee does not separately discuss the patentability of the dependent claims, although Assignee reserves the right to do so.

1. Section 102 Rejections

The Examiner has rejected independent claim 7 as allegedly being anticipated under 35 U.S.C. 102(e) by US Publication 2001/0002927 to Detample et al. (Detample).

Specifically the Examiner has rejected independent claim 7 as follows.

As to claim 7, Detampel shows a method for adding an additional endpoint to an audio conference in a purely packet-switched audio conferencing system (Figure 1; abstract; method for setting up an on-demand conference call in a telecommunications system), said method comprising:

placing a call from an endpoint (figure 6, step 601) to a packet-switched conferencing system component (Figure 3, CACS 301), said call indicating an audio conference (Figure 6, step 601; Par. 0065, caller dials a unique on-demand conference number);

selecting, in a conference allocation and control system (Figure 1, CACS 103; Figure 3, CACS 301) in said audio conferencing system (figure 1, system 10), a multiple control unit (Figure 1; bridge server 101a-101n) to host said audio conference (Par. 0031, when an on-demand conference call request comes in, the CACS determines which bridge servers 101 have sufficient availability of ports to handle the on-demand conference call; Par. 0065; the steps take place as described above to select the bridge server 101 having enough ports available for the subscriber's maximum call);

initiating a call request from said selected multiple control unit (Figure 1, bridge 101a-n) to said packet-switched conferencing system component (Figure 3, Bridge Manager 310 in CACS 301), said call request indicating said additional endpoint (Par. 0075; as each participant joins the conference, a participant join message is sent via BAPI module 303 and the bridge manager 310 (BAPI module 303 and bridge manager 310 are part of CACS).);

returning a destination address (Par. 0054; ONNET translation number) from said packet-switched conferencing system component to said selected multiple control unit (Par. 0054; The CACS call router module 302 receives a routing request from over network 109 from the SCP pair 105. The CACS 103 selects a bridge server 101 with enough available capacity to handle the maximum number of conference participants

allowed by the service (e.g., 20), allocates the capacity, and returns routing instructions in terms of a POTS or ONNET translation number through the SCP pair 105. Each bridge server 101 would have a unique POTS or ONNET translation number for every simultaneous conference allowed on the bridge.), said destination address corresponding to said additional endpoint (Par. 0054; for example, if the on-demand service had a maximum participant capacity of 20, each bridge server would need at least 12 (240 ports/20 participants per conference) unique POTS or ONNET translation numbers).

establishing a point-to-point call (Examiner notes that this claim limitation interpreted to be the same as being "a connection") from said multiple control unit to said additional endpoint based on said destination address thereby bringing said additional endpoint into said audio conference (Par. 0054; the CACS 103 would note which translation number is currently "assigned" to which N00 number (unique number dialed by participant) so that a translation number can be tied to the dialed N00 number which can be tied to a participant which can be tied to the currently authorized participant/subscriber passcode. The SCP pair 105 encapsulates the routing instructions with an SS7 TCAP message and returns appropriate routing instructions via the SS7 network 106 to the originating service point 402. The on-demand call is routed via the PSTN 102 to the selected bridge server 101.).

Office Action dated March 13, 2008 at pp. 17-19.

Detample is directed to "An on-demand teleconferencing system and method for setting up an on-demand conference call in a telecommunications system having the Advanced Information Network (AIN) architecture with system signaling the number 7 (SS7) and a Public Switched Telephone Network (PSTN). A subscriber is assigned an on-demand conference call number. When that number is dialed into the PSTN, it is identified by the PSTN that the dialed number requires handling by the SS7. The SS7 links the dialed number to a conference allocation and control system (CACS) which is connected to a plurality of scalable bridge servers. The CACS selects bridge servers available to handle the conference call and based upon a selection criteria such as a

peak load sets up the on-demand conference call in one of the selected bridge servers. Detample at Abstract.

Furthermore, one of the requirements of Detample is “[p]rior to a conference, the subscriber must choose a PIN for the conference and distribute the PIN and the unique on-demand access number to the participants.” Detample ¶ 64.

The disclosure of Detample falls squarely into the prior art, with its use of SS7, as disclosed in the instant application at p. 2 lns. 5-7.

Additionally, the Examiner interprets the bridge server 101a-101n of Detample as anticipating the multiple control unit (MCU) as recited in claim 7. Office Action dated 13 March, 2008 at p. 17. The bridge server 101a-101n is deficient in at least one critical capabilities performed by the MCU as recited in claim 7. Detample is silent as to the bridge server 101a-101n being able to “initiate a call request” and “establishing a point-to-point call from said multiple control unit to said additional endpoint ... thereby bringing said additional endpoint into said audio conference” as expressly recited in claim 7. Stated another way, claim 7 allows for a conference participant to initiate an **outbound** call to an additional endpoint (*i.e.*, another phone number) via the MCU and thereby add the new endpoint to the audio conference. The disclosure of Detample only handles **inbound** calls and connects them to an available bridge server as can be understood based on the express requirement cited above regarding prior distribution of a PIN and unique access number to conference participants.

Because Detample does not disclose each and every claim element, Detample can not anticipate independent claim 7. Accordingly, Assignee respectfully requests that the Examiner withdraw this rejection and pass independent claim 7 to allowance. For at least the same reasons, claims 3 and 12, each of which depends from independent claim 7 are allowable over Detample. Such action is respectfully requested.

The Examiner also rejected dependent claim 37 which depends from dependent claim 36 and independent claim 35 as allegedly being anticipated by Detample. Because the Examiner does not contend that either claims 36 or 35 are anticipated by

Detample Assignee assumes this was in error and requests the Examiner withdraw this rejection.

2. Section 103 Rejections

The Examiner has rejected claims 6 and 32-36 (Office Action dated 13 March 2008 at p. 20) as being unpatentable over Detample in view of US Patent 6,122,364 to Petrunka (Petrunka) under 35 U.S.C. 103(a).

Assignee respectfully submits that Detample is not a proper reference to be used in forming a §103(a) rejection under the terms of §103(c)(1).

Section 103(c)(1) states:

(c)(1) Subject matter developed by another person, which qualifies as prior art only under one or more of subsection (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Assignee states that such is the case here and provides the following information to remove the Detample reference as prior art. In accordance with §103(c)(1), the instant application Serial No. 10/697,810 and U.S. Patent Application Serial No. 09/772,590, which is Pub. No. US 2001/0002927, (Detample) were, at the time the invention of application Serial No. 10/697,810 was made, owned by or subject to an obligation of assignment to Voyant technologies, Inc. The assignment records of the two applications evidence this common ownership. In particular, the assignment record at Reel/Frame 010349/0384 for the instant application and the assignment record at Reel/Frame 010144/0033 for Serial No. 09/772,590 indicate ownership in both cases by Voyant technologies, Inc. Both of these applications have subsequently been assigned to their current assignee Polycom, Inc.

CONCLUSIONS

This paper is intended to be a complete response to the above-identified Office Action. It is believed that no fees are due with this reply. However, the Commissioner is authorized to deduct any necessary charges from Deposit Account: 501922/199-0248US-C.

Reconsideration of pending claims 3-10, 12-15 and 32-39 in light of the above remarks is respectfully requested. If, after considering this reply, the Examiner believes that a telephone conference would be beneficial towards advancing this case to allowance, the Examiner is strongly encouraged to contact the undersigned attorney at the number listed.

Respectfully submitted,

/William M. Hubbard, J.D./
Reg. No. 58,935

Wong, Cabello, Lutsch, Rutherford & Brucculeri, L.L.P.

Customer No. 29855 Voice: 832-446-2445
20333 SH 249, Suite 600 Mobile: 713-302-4648
Houston, Texas 77070 Facsimile: 832-446-2424
Email: whubbard@counselIP.com